IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 328 OF 2005

Shri Raghunath Baburao Mali & 4 Ors. ..Appellants.

Versus

The State of Maharashtra & Anr. ..Respondents.

Shri P.B.Shah for the Appellants.

Shri S. N. Gawade, AGP for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 15TH JUNE, 2005

P.C. :

. This Appeal is filed by the original claimant, whose reference was rejected. The parties have led their evidence. The matter was fixed for argument. At that time, an adjourned was sought. That was rejected. The order impugned is passed by the court without hearing the parties on merits of the matter. Shri P.B.Shah, who appears for the Appellants undertakes that if the matter is remanded, the Advocate for the claimant will remain present on that day and advance arguments and then the court can decide the matter on merits. In view of this fact, the matter is admitted

and taken up for final hearing. I pass following order.

ORDER

i. The impugned order of rejecting the reference is set aside.

ii. The matter is remanded to 5th Extra Joint District Judge, Pune. He will hear the parties i.e. hear the arguments of the Advocate of both the sides within two weeks of the appearance of the parties and their Advocate before him and pass order on merits.

iii. No further evidence nor further pleadings will be permitted. Parties to appear before said court on 11th July, 2005.

iv. Appeal is disposed of. C.c. expedited.

15.06.2005 (D.G. DESHPANDE,J.)

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